

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SONNY JOYCE, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

AMAZON.COM, INC., ANDREW R. JASSY,
JEFFREY P. BEZOS, BRIAN T.
OLSAVSKY, DAVID A. ZAPOLSKY, and
NATE SUTTON,

Defendants,

Case No.: 2:22-cv-00617-JHC

(CONSOLIDATED CASE)

**STIPULATED MOTION FOR LEAVE TO
FILE OVER-LENGTH BRIEFING WITH
RESPECT TO DEFENDANTS' MOTION
TO DISMISS CONSOLIDATED CLASS
ACTION COMPLAINT**

NOTED ON MOTION CALENDAR:
November 7, 2022

ASBESTOS WORKERS PHILADELPHIA
WELFARE AND PENSION FUND, on behalf
of itself and all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC., ANDREW R. JASSY,
BRIAN T. OLSAVSKY, and DAVID
FILDES,

Defendants.

DETECTIVES ENDOWMENT
ASSOCIATION ANNUITY FUND,
Individually and On Behalf of All Others
Similarly situated,

Plaintiff,

v.

AMAZON.COM, INC., ANDREW R. JASSY,
BRIAN T. OLSAVSKY, and DAVID
FILDES,

Defendants.

Pursuant to Local Rule 7(f), Defendants Amazon.com, Inc., Jeffrey P. Bezos, Andrew R. Jassy, Brian T. Olsavsky, David A. Zapolsky, Nate Sutton, and David Fildes, and Lead Plaintiffs Universal-Investment-Gesellschaft mbH, Universal-Investment-Luxembourg S.A., Menora Mivtachim Insurance Ltd., Menora Mivtachim Pensions and Gemel Ltd., The Phoenix Insurance Company, Ltd., and The Phoenix Provident Pension Fund Ltd., and Plaintiffs Asbestos Workers Philadelphia Welfare and Pension Fund, and Detectives Endowment Association Annuity Fund respectfully request that the Court grant the parties leave to file over-length briefing in connection with Defendants' forthcoming motion to dismiss the Consolidated Class Action Complaint (the "Consolidated Complaint") (Dkt. No. 70).

On August 17, 2022, pursuant to a stipulation between the parties, this Court ordered the consolidation of three putative securities class actions: (i) *Joyce v. Amazon.com, Inc., et al.*, 2:22-cv-00617 ("Joyce"); (ii) *Asbestos Workers Philadelphia Welfare and Pension Fund v. Amazon.com, Inc., et al.*, 2:22-cv-00934 ("Asbestos Workers"); and (iii) *Detectives Endowment Association Annuity Fund v. Amazon.com, Inc., et al.*, 2:22-cv-00950-JHC ("Detectives"). (See Consolidation Order, Dkt. No. 58.) The claims in *Joyce* arose from alleged misrepresentations and omissions concerning Amazon's alleged use of third-party seller data (the "Third Party Seller Allegations"); the claims in *Asbestos Workers* and *Detectives* arose from alleged

misrepresentations and omissions concerning the capacity of Amazon's fulfillment network (the "Capacity Allegations). (*See id.*)

Plaintiffs' 173-page Consolidated Complaint asserts claims for alleged violations of Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and associated Rule 10b-5, and Section 20(a) of the Exchange Act. The 532 paragraphs in the Consolidated Complaint allege 48 misrepresentations and omissions concerning the Third Party Seller Allegations and 10 additional misrepresentations and omissions concerning the Capacity Allegations. In anticipation of Defendants' motion to dismiss, counsel for the parties met and conferred regarding the appropriate number of pages for the parties to adequately brief that motion. Given the breadth and complexity of the allegations, claims, and legal arguments involved, and the consolidation of three cases resulting in the Consolidated Complaint, the parties agree and submit that the standard page limits under Local Rule 7(e) will not allow the parties to adequately cover all of the issues. Accordingly, the parties respectfully request that the Court modify the page limitations for the briefing associated with Defendants' forthcoming motion to dismiss as follows:

Briefing	Additional pages requested	Total page limit
Defendants' opening brief	21	45
Plaintiffs' opposition brief	21	45
Defendants' reply brief	10	22

Dated: November 7, 2022

Respectfully submitted,

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Attorneys for Plaintiffs

ORDER

THIS MATTER comes before the Court, pursuant to Local Rule 7(f), on the Stipulated Motion For Leave To File Over-Length Briefing With Respect To Defendant's Motion To Dismiss Consolidated Class Action Complaint ("Stipulated Motion"), filed jointly by Defendants Amazon.com, Inc., Jeffrey P. Bezos, Andrew R. Jassy, Brian T. Olsavsky, David A. Zapolsky, Nate Sutton, and David Fildes, and Plaintiffs Universal-Investment-Gesellschaft mbH, Universal-Investment-Luxembourg S.A., Menora Mivtachim Insurance Ltd., Menora Mivtachim Pensions and Gemel Ltd., The Phoenix Insurance Company, Ltd., The Phoenix Provident Pension Fund Ltd., Asbestos Workers Philadelphia Welfare and Pension Fund, and Detectives Endowment Association Annuity Fund. The Stipulated Motion requests that the Court grant the parties leave to file briefing with respect to Defendants' forthcoming motion to dismiss that exceeds the standard page limitations under Local Rule 7(e).

Having reviewed the parties' Stipulated Motion, it is HEREBY ORDERED that:

The parties' Stipulated Motion is **GRANTED**. Defendants are granted leave to file an opening brief for their forthcoming motion to dismiss the Consolidated Class Action Complaint with an additional twenty-one (21) pages, for a total of forty-five (45) pages; Plaintiffs are granted leave to file an opposition brief with an additional twenty-one (21) pages, for a total of forty-five (45) pages; and Defendants are granted leave to file a reply brief with an additional ten (10) pages, for a total of twenty-two (22) pages.

SO ORDERED.

Dated this 8th day of November, 2022.


 THE HONORABLE JOHN H. CHUN
 UNITED STATES DISTRICT JUDGE